

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**JOSE GARCIA, RANDY GARCIA,  
and JOSE GARCIA, JR.,  
Individually, and  
LEONIDAS GARCIA and ELI RIVERA,  
by their guardian ANA ORTEGA,**

**Plaintiffs,**

**v.**

**THE CITY OF NEW YORK,  
DETECTIVE ANTHONY PEZZULLO,  
ADA CURTIS FARBER,  
ADA WILLIAM ZELENKA, and  
JOHN AND JANE DOES #1-10,**

**Defendants.**

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**No. 08-CV-4274**

**STIPULATION TO DISMISS COUNT VII  
AGAINST DEFENDANT THE CITY OF NEW YORK  
AND TO DISMISS ALL CLAIMS  
AGAINST DEFENDANTS CURTIS FARBER AND WILLIAM ZELENKA**

Plaintiffs, by undersigned counsel, stipulate and agree to the following:

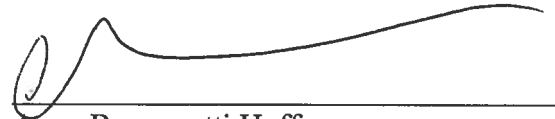
Plaintiffs voluntarily dismiss, with prejudice, Count VII, “42 U.S.C. § 1983 *Monell*,” against Defendant The City of New York. Plaintiffs’ claims against The City of New York under New York state law, including liability for the actions of its employees under the doctrine of respondeat superior as enumerated in Counts IX, X and XI, are not affected by this stipulation.

Plaintiffs further voluntarily dismiss, with prejudice, all claims against Defendant Curtis Farber and Defendant William Zelenka, as enumerated in Counts V, VI, VIII and XII.

Plaintiffs’ stipulation has no effect on any claims or counts against Defendant Anthony Pezzullo.

Dated: New York, New York  
April 1, 2010

By:

A handwritten signature in black ink, appearing to read 'Anna Benvenuti Hoffmann', written over a horizontal line.

Anna Benvenuti Hoffmann  
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